

OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David L. Thompson et al.

Docket:

P-8999.00 **RECEIVED**
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JUL 08 2004

Serial No.: 09/825,909

Group Art Unit: 3762

Filed: April 4, 2001

Examiner: Frances P. Oropeza

Title: **IMPLANTABLE MEDICAL DEVICE CONTROLLED BY A NON-INVASIVE
PHYSIOLOGICAL DATA MEASUREMENT DEVICE****REPLY TO FINAL OFFICE ACTION**

Mail Stop Non-Fee Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Examiner Oropeza:

The following is in response to the final Office Action mailed 8 April 2004 and having a three-month statutory period for reply. The following amendments and remarks are respectfully submitted in advance of the expiration of said three-month period.

Applicants respectfully request that the Examiner withdraw the finality of the present Office Action since only minor claim amendments when Applicants filed a request for continued examination (RCE) – which traversed the prior grounds of rejection – should provide cause for Applicants to receive reasonably complete examination of the amended claim set.

Accordingly, the amendments herein were not earlier presented because a new ground of rejection has been lodged. The amendments herein are intended to place the application in condition for allowance, without requiring additional search and without raising new issues.

Please amend the above-identified application as follows.